

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOSTER LEE THOMAS,

Plaintiff,

-against-

T. MOBILE, Data Breach Settlement,

Defendant.

23-CV-0623 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*, apparently attempting to participate in a “data breach settlement” involving Defendant T-Mobile. By order dated February 8, 2023, the Court noted that it appeared that multi-district litigation was pending in the Western District of Missouri, Western Division, *see In Re: T-Mobile Customer Data Security Breach Litigation*, No. 4:21-MD-03019 (BCW) (W.D. Mo.). The Court directed Plaintiff to show cause why the matter should not be transferred to that district and indicated that if he did not respond, it would be transferred under 28 U.S.C. § 1404 to the Western District of Missouri. Plaintiff has not responded to the Court’s order.

CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the Western District of Missouri, Western Division. Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this Court. This order closes the case in the Southern District of New York.

The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose

of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 17, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge